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EXAMINER
RAMPURIA, SATISH

ART UNIT	PAPER NUMBER
2124	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/817,437	TODD ET AL.	
	Examiner	Art Unit	
	Satish S. Rampuria	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 August 2004 (Amendment)</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-89</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-89</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

            application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Response to Amendment

1. This action is in response to the amendment received on 08/02/2004.

2. The objection to specification (hyperlink) is withdrawn in view of applicant's amendment.

3. The objection to drawing is withdrawn in view of applicant's amendment.

4. The rejections under 35 U.S.C. 112 to claims 11, 23, 37, 51, 52, 74, and 88 are withdrawn in view of applicant's amendment.

5. Claims 1, 12, 24, 27, 34, 36, 37, 39, 45, 46, 48, 49, 52, 59, 63, 68, 70, 75, and 81 are amended.

Claim Rejections - 35 USC § 112, second paragraph

6. Claims 1, 4, 12, 15, 49, 52, 59, 63, 68, 70, and 75 are insufficient antecedent basis in the claim.

Clarification and/or correction are required.

Claims 1, 4, 12, 15, and 52 recites the limitation "said second architecture" on page 5, lines 4 and 14 of claim 1, page6, line 10 of claim 4, page 8, lines 3 and 12 of claim 12, page9, line 10 of claim 15, page 18, lines 18 and 20 of claim 52.

Claim 49 recites the limitation "said preferred non-legacy architecture" on page 17, line 13.

Claim 59 recites the limitation "said legacy architecture" on page 20, lines 8 and 10.

Claims 63, 68, and 70 recites the limitation "said computer architecture" on page 21, lines 6 and 8 of claim 63, page 22, lines 4, and 6 of claim 68, page 23, lines 4 and 5 of claim 70.

Claim 75 recites the limitation "said architecture" on page 24, lines 8 and 10.

The rejection of the base claim is necessarily incorporated into the dependent claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-62 and 75-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent No. 6,086,622 to Abe et al., hereinafter called Abe, in view of admitted prior

art and further in view of US Patent No. 5,295,256 to Bapat hereinafter called Bapat.

Per claims 1, 4, 5, 6, and 9:

Abe discloses:

- A computer system employing management software written in a first computer language

  compatible with first software architecture and not compatible with second software

  architecture (col. 1, lines 9-14 "a method and an apparatus for converting a program for

  a computer of a first architecture to a machine program adapted for a computer of a

  second architecture").

- means for converting said called public functions and/or data attributes (col. 1, lines 62-

  63 "convert a program (functions, attributes, data etc.) for a computer of a first

  architecture") to representations of said called public functions and/or data attributes

  formed in a different computer language compatible with said second architecture (col.

1, lines 63-64 "to a program (functions, attributes, data etc.) for a computer of a second

architecture").

Abe does not explicitly disclose a schema formed within said first architecture; header files

contained within said schema, said header files being represented in said first language and

capable of being utilized by said management software.

However, admitted prior art discloses in an analogous computer system a schema formed

within said first architecture (Applicant's specification, page 4, lines 2-3 "These architectures

are combinations of software such as schemas, languages and protocols"); header files

contained within said schema, said header files being represented in said first language and

capable of being utilized by said management software (Applicant's specification, page 4, lines

7-8 "And on top of that computer language is a schema (header-related software...) such as that

derived from or implemented in RAID++. RAID++ is an object-oriented representation of a

CLARiiON®").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of including the header file within the

schema of an architecture as taught admitted prior art in corresponding to method of converting

a program of a first architecture to a second architecture as taught by Abe. The modification

would be obvious because of one of ordinary skill in the art would be motivated to include prior

art header files within schema of an architecture to provide less arduous code generation to

improve the communication within the corporate as suggested in admitted prior art (Applicant's

specification, pages 2 and 3, lines 23-25 and 1-20, respectively).

Neither Abe nor admitted prior art explicitly disclose means for manipulating said header files

to locate public functions and/or data attributes of said header files; means, responsive to

operation of said manipulating means, for emitting code that calls said public functions and/or

data attributes in said first language to obtain called public functions and/or data attributes.

However, Bapat discloses in an analogous computer system means for manipulating (col.

3, lines 53-54 "manipulating a representation of the object class... stored... table schema") said

header files (col. 9, lines 1-2 "C++ source and header files are opened") to locate public

functions and/or data attributes of said header files (col. 6, lines 28-29 "it is desirable to be able

to provide... storage of the attributes of these objects managed by the network management

system"); means, responsive to operation of said manipulating means(col. 3, lines 53-54

"manipulating a representation of the object class... stored... table schema"), for emitting code

that calls said public functions and/or data attributes in said first language to obtain called

public functions and/or data attributes (col. 13, lines 15-16 "Control... passes to... attribute

insertion routine is called of each attribute").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of manipulating header files as taught by

Bapat into the method of converting a program of a first architecture to a second architecture as

taught by the combination system of Abe and admitted prior art. The modification would be

obvious because of one of ordinary skill in the art would be manipulate the header files for

mapping the within the schema of a database as suggested by Bapat (col. 2, lines 6-17).

The limitation regarding the software architecture in the preamble is not given any

patentable weight because the body of the claim does not recited any limitation related to

software architecture.

Per claim 2:

Neither Abe nor Bapat explicitly disclose forwarding said representations to desired destinations

within and beyond said system.

However, admitted prior art discloses in an analogous computer system forwarding said

representations to desired destinations within and beyond said system (Applicant's

specification, pages 5, lines 16-17 "both defining itself and its relationships to other objects in

the computer system or network. An object can send and receive messages to and from other

objects").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of send / receive message to another object

within system or to the network as taught admitted prior art in corresponding to method of

converting a program of a first architecture to a second architecture as taught in the combination

system by Abe and Bapat. The modification would be obvious because of one of ordinary skill in

the art would be motivated to send / receive message over the network or system when one needs

to get fetch the data as suggested in admitted prior art (Applicant's specification, pages 2 and 3,

lines 23-25 and 1-20, respectively).

Per claims 3, and 7:

Neither Abe nor Bapat explicitly disclose said first computer language is RAID++ and said

different computer language is XML/CIM.

However, admitted prior art discloses in an analogous computer system said first

computer language is RAID++ (Applicant's specification, pages 4, lines 6-9 "Object-oriented

computer language C++... a schema... that derived from or implemented in RAID++") and

said different computer language is XML/CIM (Applicant's specification, pages 7, lines 12-13

"the aforementioned XML computer language; and, on top of XML is a new and advantageous

schema called Common Information Model (CIM)").

The feature of using the languages would be obvious for the reasons set forth in the

rejection of claim 1.

Per claim 8:

Neither Abe nor Bapat explicitly disclose said first computer language is a first object-oriented

language capable of pictorial representation typically in a parent-child tree configuration and said

different computer language is a second object-oriented language capable of pictorial

representation typically in a flat database configuration.

However, admitted prior art discloses in an analogous computer system first computer

language is a first object-oriented language capable of pictorial representation typically in a

parent-child tree configuration (Applicant's specification, pages 6, lines 2-6 "C++ computer

language... the relationship between these specific objects in the storage processor is usually

visualized or characterized as a "tree" of objects") and said different computer language is a

second object-oriented language capable of pictorial representation typically in a flat database

configuration (Applicant's specification, pages 6, lines 17-22 "standard that avoids object trees

and arranges all objects in a database where a "flat" relationship is obtained").

The feature of using the object-oriented languages would be obvious for the reasons set

forth in the rejection of claim 1.

Per claim 10:

Neither Abe nor Bapat explicitly disclose said management software is storage management

software.

However, admitted prior art discloses in an analogous computer system management

software is storage management software (Applicant's specification, pages 7, lines 5-6 "Web

technologies to manage enterprise systems such as storage systems").

The feature of storage management software would be obvious for the reasons set forth in

the rejection of claim 1.

Per claim 11:

Neither Abe nor Bapat explicitly disclose said management software is selected from the group

consisting of storage, printer, and server management software.

However, admitted prior art discloses in an analogous computer system management

software is selected from the group consisting of storage, printer, server and other-component

management software (Applicant's specification, pages 2, lines 15-17 "software which runs on

and controls that hardware such as operating systems software and applications software such as

peripheral-device management software")

The feature of storage management software would be obvious for the reasons set forth in the rejection of claim 1.

Per claims 12, 52, 57, 58, 59, 62, 75, 76, 81, and 89:

Abe discloses:

- A computer network employing a computer system utilizing management software written in a first computer language compatible with first software architecture and not compatible with second software architecture (col. 1, lines 9-14 "a method and an apparatus for converting a program for a computer of a first architecture to a machine program adapted for a computer of a second architecture").

- converts said called public functions and/or data attributes to representations of said called public functions and/or data attributes formed in a different computer language compatible with said second architecture (col. 1, lines 62-63 "convert a program (functions, attributes, data etc.) for a computer of a first architecture" and col. 1, lines 63-64 "to a program (functions, attributes, data etc.) for a computer of a second architecture").

Abe does not explicitly disclose a schema formed within said first architecture; header files contained within said schema, said header files being represented in said first language and capable of being utilized by said management software.

However, admitted prior art discloses in an analogous computer system a schema formed within said first architecture (Applicant's specification, page 4, lines 2-3 "These architectures

are combinations of software such as schemas, languages and protocols"); header files

contained within said schema, said header files being represented in said first language and

capable of being utilized by said management software (Applicant's specification, page 4, lines

7-8 "And on top of that computer language is a schema (header-related software...) such as that

derived from or implemented in RAID++. RAID++ is an object-oriented representation of a

CLARiiON®").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of including the header file within the

schema of an architecture as taught admitted prior art in corresponding to method of converting

a program of a first architecture to a second architecture as taught by Abe. The modification

would be obvious because of one of ordinary skill in the art would be motivated to include prior

art header files within schema of an architecture to provide less arduous code generation to

improve the communication within the corporate as suggested in admitted prior art (Applicant's

specification, pages 2 and 3, lines 23-25 and 1-20, respectively).

Neither Abe nor admitted prior art explicitly disclose apparatus for manipulating said header

files to locate public functions and/or data attributes of said header files; and, apparatus,

responsive to operation of said manipulating apparatus, for emitting code that calls said public

functions and/or data attributes in said first language to obtain called public functions and/or

data attributes.

However, Bapat discloses in an analogous computer system apparatus for manipulating

(col. 3, lines 53-54 "manipulating a representation of the object class... stored... table schema")

said header files (col. 9, lines 1-2 "C++ source and header files are opened") to locate public functions and/or data attributes of said header files (col. 6, lines 28-29 "it is desirable to be able to provide... storage of the attributes of these objects managed by the network management system"); apparatus, responsive to operation of said manipulating means(col. 3, lines 53-54 "manipulating a representation of the object class... stored... table schema"), for emitting code that calls said public functions and/or data attributes in said first language to obtain called public functions and/or data attributes (col. 13, lines 15-16 "Control... passes to... attribute insertion routine is called of each attribute").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of manipulating header files as taught by Bapat into the method of converting a program of a first architecture to a second architecture as taught by the combination system of Abe and admitted prior art. The modification would be obvious because of one of ordinary skill in the art would be manipulate the header files for mapping the within the schema of a database as suggested by Bapat (col. 2, lines 6-17).

The limitation regarding the software architecture in the preamble is not given any patentable weight because the body of the claim does not recited any limitation related to software architecture.

Claim 13 is the apparatus claim corresponding to system claim 2 and rejected under the same rational set forth in connection with the rejection of claim 2 above.

Per claims 14, 18, 79, 80, and 84:

Neither Abe nor Bapat explicitly disclose said first computer language is RAID++ and said

different computer language is XML/CIM.

However, admitted prior art discloses in an analogous computer system said first

computer language is RAID++ (Applicant's specification, pages 4, lines 6-9 "Object-oriented

computer language C++... a schema... that derived from or implemented in RAID++") and

said different computer language is XML/CIM (Applicant's specification, pages 7, lines 12-13

"the aforementioned XML computer language; and, on top of XML is a new and advantageous

schema called Common Information Model (CIM)").

The feature of using the languages would be obvious for the reasons set forth in the

rejection of claim 12.

Claim 15 is the apparatus claim corresponding to system claim 4 and rejected under the same

rational set forth in connection with the rejection of claim 4 above.

Claims 16, 20 are the apparatus claim corresponding to system claim 5 and rejected under the

same rational set forth in connection with the rejection of claim 5 above.

Claim 17 is the apparatus claim corresponding to system claim 6 and rejected under the same

rational set forth in connection with the rejection of claim 6 above.

Per claims 19, 78, and 83:

Neither Abe nor Bapat explicitly disclose said first computer language is a first object-oriented

language capable of pictorial representation typically in a parent-child tree configuration and said

different computer language is a second object-oriented language capable of pictorial

representation typically in a flat database configuration.

However, admitted prior art discloses in an analogous computer system first computer

language is a first object-oriented language capable of pictorial representation typically in a

parent-child tree configuration (Applicant's specification, pages 6, lines 2-6 "C++ computer

language... the relationship between these specific objects in the storage processor is usually

visualized or characterized as a "tree" of objects") and said different computer language is a

second object-oriented language capable of pictorial representation typically in a flat database

configuration (Applicant's specification, pages 6, lines 17-22 "standard that avoids object trees

and arranges all objects in a database where a "flat" relationship is obtained").

The feature of using the object-oriented languages would be obvious for the reasons set

forth in the rejection of claim 12.

Per claims 21, 54, 61, 77, and 87:

The rejection of claim 12 is incorporated, and further, Abe disclose:

- a SAN which communicates with and is controlled by said computer system (col. 5, lines

   1-5 "fetched instruction storing section... stores... instructions... fetch section...").

Per claims 22, 53, 60, 85, and 86:

Neither Abe nor Bapat explicitly disclose said management software is storage management

software.

However, admitted prior art discloses in an analogous computer system management software is storage management software (Applicant's specification, pages 7, lines 5-6 "Web technologies to manage enterprise systems such as storage systems").

The feature of storage management software would be obvious for the reasons set forth in the rejection of claim 12.

Per claims 23, 56, and 88:

Neither Abe nor Bapat explicitly disclose said management software is selected from the group consisting of storage, printer, and server management software.

However, admitted prior art discloses in an analogous computer system management software is selected from the group consisting of storage, printer, server and other-component management software (Applicant's specification, pages 2, lines 15-17 "software which runs on and controls that hardware such as operating systems software and applications software such as peripheral-device management software")

The feature of storage management software would be obvious for the reasons set forth in the rejection of claim 12.

Claims 24-31 are the method claims corresponding to system claims 1-8, respectively, and rejected under the same rational set forth in connection with the rejection of claims 1-8, respectively, above.

Claims 32 and 33 are the method claims corresponding to system claim 5 and rejected under the same rational set forth in connection with the rejection of claim 5 above.

Per claims 34 and 82:

The rejection of claim 24 is incorporated, and further, Abe disclose:

- wherein said standardized software architecture is preferred non-legacy architecture (col.

    3, lines 1-11 "... machine program... depends on the computer... second architecture...

    converted... high-level language source program (which does not depend on any

    architecture)... programs for computers of different architectures... be produced easily,

    or a program for a computer of the first architecture can be easily converted to a program

    for a computer of another (the second) architecture").

Claims 35 and 36 are the method claims corresponding to system claims 10-11, respectively, and

rejected under the same rational set forth in connection with the rejection of claims 10-11,

respectively, above.

Claims 37 and 38 are the computer program product claim corresponding to system claims 1

and 2, respectively, and rejected under the same rational set forth in connection with the rejection

of claims 1 and 2, respectively, above.

Claim 39 is the computer program product claim corresponding to system claim 4 and rejected

under the same rational set forth in connection with the rejection of claim 4 above.

Claim 40 is the computer program product claim corresponding to system claim 3 and rejected

under the same rational set forth in connection with the rejection of claim 3 above.

Claims 41-44 are the computer program product claim corresponding to system claims 5-8, respectively, and rejected under the same rational set forth in connection with the rejection of claims 5-8, respectively, above.

Claim 45 is the computer program product claim corresponding to system claim 5 and rejected under the same rational set forth in connection with the rejection of claim 5 above.

Claim 47 is the computer program product claim corresponding to system claim 10 and rejected under the same rational set forth in connection with the rejection of claim 10 above.

Claim 48 is the computer program product claim corresponding to system claim 11 and rejected under the same rational set forth in connection with the rejection of claim 11 above.

Claim 49 is the computer program product claim corresponding to system claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Claim 50 is the computer program product claim corresponding to system claim 10 and rejected under the same rational set forth in connection with the rejection of claim 10 above.

Claim 51 is the computer program product claim corresponding to system claim 11 and rejected under the same rational set forth in connection with the rejection of claim 11 above.

Per claim 55:

The rejection of claim 52 is incorporated, and further, Abe disclose:

- said first architecture is legacy architecture and said second architecture is non-legacy architecture (col. 3, lines 1-11 "... machine program... depends on the computer... second architecture... converted... high-level language source program (which does not depend on any architecture)... programs for computers of different architectures... be produced easily, or a

program for a computer of the first architecture can be easily converted to a program for a

computer of another (the second) architecture").

9. Claims 63-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent

No. 6,086,622 to Abe et al., hereinafter called Abe, in view of admitted prior art.

Per claim 63 and 67:

Abe discloses:

- In a computer system compatible with computer architecture, a computer-readable

   medium containing management software for controlling at least one processor in said

   system ot perform a method of responding to request, said method (col. 1, lines 9-14 "a

   method and an apparatus for converting a program for a computer of a first architecture

   to a machine program adapted for a computer of a second architecture").

- converting said responses to equivalent responses compatible with said first language and

   for communicating said equivalent responses (col. 1, lines 62-63 "convert a program

   (functions, attributes, data etc.) for a computer of a first architecture") to the destination

   from which, or to destinations related to that from which, said first requests originated

   (col. 1, lines 63-64 "to a program (functions, attributes, data etc.) for a computer of a

   second architecture").

Abe does not explicitly disclose obtaining responses to said first requests in second language

compatible with said computer architecture.

However, admitted prior art discloses in an analogous computer system obtaining

responses to said first requests in second language compatible with said computer architecture

(Applicant's specification, page 4, lines 2-3 "These architectures are combinations of software

such as schemas, languages and protocols"); header files contained within said schema, said

header files being represented in said first language and capable of being utilized by said

management software (Applicant's specification, page 4, lines 7-8 "And on top of that

computer language is a schema (header-related software...) such as that derived from or

implemented in RAID++. RAID++ is an object-oriented representation of a CLARiiON®").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of including the header file within the

schema of an architecture as taught admitted prior art in corresponding to method of converting

a program of a first architecture to a second architecture as taught by Abe. The modification

would be obvious because of one of ordinary skill in the art would be motivated to include prior

art header files within schema of an architecture to provide less arduous code generation to

improve the communication within the corporate as suggested in admitted prior art (Applicant's

specification, pages 2 and 3, lines 23-25 and 1-20, respectively).

The limitation regarding the software architecture in the preamble is not given any

patentable weight because the body of the claim does not recited any limitation related to

software architecture.

Per claim 64:

The rejection of claim 63 is incorporated, and further, Abe disclose:

- said first architecture is legacy architecture and said second architecture is non-legacy

  architecture (col. 3, lines 1-11 "... machine program... depends on the computer...

  second architecture... converted... high-level language source program (which does not

  depend on any architecture)... programs for computers of different architectures... be

  produced easily, or a program for a computer of the first architecture can be easily

  converted to a program for a computer of another (the second) architecture").

Per claim 65:

The rejection of claim 64 is incorporated, and further, Abe does not explicitly disclose said

management software is storage management software.

However, admitted prior art discloses in an analogous computer system management

software is storage management software (Applicant's specification, pages 7, lines 5-6 "Web

technologies to manage enterprise systems such as storage systems").

The feature of storage management software would be obvious for the reasons set forth in

the rejection of claim 63.

Per claim 66:

The rejection of claim 64 is incorporated, and further, Abe disclose:

- a SAN which communicates with and is controlled by said computer system (col. 5, lines

  1-5 "fetched instruction storing section... stores... instructions... fetch section...").

Claim 68 is the computer program product claim corresponding to system claim 63 and rejected

under the same rational set forth in connection with the rejection of claim 63 above.

Claim 69 is the computer program product claim corresponding to system claim 64 and rejected

under the same rational set forth in connection with the rejection of claim 64 above.

Claim 70 is the method claim corresponding to system claim 63 and rejected under the same

rational set forth in connection with the rejection of claim 63 above.

Claim 71 is the method claim corresponding to system claim 64 and rejected under the same

rational set forth in connection with the rejection of claim 64 above.

Claim 72 is the method claim corresponding to system claim 62 and rejected under the same

rational set forth in connection with the rejection of claim 62 above.

Claim 73, is the method claim corresponding to system claim 21 and rejected under the same

rational set forth in connection with the rejection of claim 21 above.

Claim 74 is the method claim corresponding to system claim 11 and rejected under the same

rational set forth in connection with the rejection of claim 11 above.

Response to Arguments

10. Applicant's arguments with respect to claim 1 have been considered but they are not

persuasive.

In the remarks, the applicant has argued that:

- Abe does not disclose or suggest for each of independent claims 1, 12, 24, 37, 49, 52, 59,

  and 63 a system employing "management software".

- Abe does not teach or suggest software architecture as recited in claim 1.

- Office action reflects improper hindsight reasoning, ignores the clear lack of motivation

   in the references.

Examiner's response:

- Regarding management software, Abe system does provide a converting program for a

   computer of a first architecture to a machine program for a computer of second

   architecture whereas converting architecture of a program could be management software

   or program (col. 2, lines 32-45). Therefore, the rejection is proper and maintained herein.

- The limitation regarding the software architecture in the preamble is not given any

   patentable weight because the body of the claim does not recited any limitation related to

   software architecture.

- In response to applicant's argument that the examiner's conclusion of obviousness is

   based upon improper hindsight reasoning, it must be recognized that any judgment on

   obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning.

   But so long as it takes into account only knowledge which was within the level of

   ordinary skill at the time the claimed invention was made, and does not include

   knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

   See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). It is noted that the

   rejection clearly points out where the combination of Abe, admitted prior art, and Bapat

   teach the claimed features and why it would have been obvious to combine their

   teachings. Specifically, the rejection points out that the motivation to "a schema formed

   within the first architecture" or "header files contained within the schema" would be to

provide less code generation to improve the communication within the corporate. Applicant only makes general allegations of improper hindsight reasoning and does not point out any errors in the rejection. Therefore, the rejection is proper and maintained herein.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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